

**FILED**

AUG 29 2013

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY *RD* DEPUTY

RODNEY DUTTON and/or SHIRLEY  
DUTTON,

Plaintiffs,

vs.

THE CITY OF MIDWEST CITY et al.,

Defendants.

No. CIV-13-912-W

**ORDER**

On August 26, 2013, plaintiffs Rodney Dutton ("R Dutton") and Shirley Dutton ("S Dutton")<sup>1</sup> commenced this action against defendants The City of Midwest City and Three Unknown Police Officers or John Doe #1, #2, and #3. See Doc. 1 at 1. In describing the nature of the case, the plaintiffs alleged that

[t]his complaint is brought for violation of the plaintiff(s)[] rights of due process and equal protection in a wrongful arrest. And a discriminatory policy that wrongfully failed to provide him counsel in this matter. He has been wrongfully prosecuted, convicted, and confined . . . .

Id.

It appears that both R Dutton and S Dutton are proceeding pro se; R Dutton, however, is the only party plaintiff who has signed the complaint. See id. at 10. Although R Dutton has the right to appear on his own behalf, he may not represent another pro se plaintiff in federal court. E.g., Fymbo v. State Farm Fire and Casualty Co., 213 F.3d 1320,

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<sup>1</sup>Although the plaintiffs use the phrase "and/or" in the title and in the body of their complaint, both R Dutton and S Dutton have sought relief as a result of the defendants' alleged misconduct: "An immediate order by this Court that protects the plaintiff(s), Rodney Dutton and Shirley Jean Dutton, from any further arrests and prosecution by the defendants." Doc. 1 at 8 (emphasis added).

1321 (10<sup>th</sup> Cir. 2000)(litigant may bring own claims to federal court without counsel, but not the claims of others); 28 U.S.C. § 1654. Accordingly, R Dutton may not represent S Dutton's interests in this lawsuit, and he may not file pleadings and papers on her behalf in this action.


The Court therefore

(1) FINDS that this action shall proceed solely with regard to the claims asserted by R Dutton unless and until S Dutton signs an amended complaint in connection with her claims for relief, if any;

(2) ADVISES R Dutton and S Dutton that if they both intend to prosecute this action that they must file within fourteen (14) days of this date an amended complaint that bears both signatures; and

(3) DIRECTS the Clerk of the Court to mail a copy of this Order to both R Dutton and S Dutton at the address reflected on the complaint and to show proof of such mailing on the docket.

ENTERED this 29<sup>th</sup> day of August, 2013.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE